than in the other. Hanifa, and, in a lesser degree, Malik, Shafi'i and Hanbal, were jurists of a high order. The method of analogical deduction, the theory of juristic equity and the doctrine of consensus of opinion which he developed, were worthy of the Roman jurists and indeed did for a slender store of jural materials much the same service which interpretation and natural law in the hands of the Roman jurisconsult did for the narrow and arbitrary rules of the *ius strictum*. The student of universal history will welcome the clear and well-written statement in English of the development of juristic science during the Arabian hegemony and of the stages by which it led to the Anglo-Mohammedan law of to-day which Mr. Justice Abdur Rahim has given us.

Mr. Justice Tyabji has a different purpose. His endeavor is to expound the Mohammedan law, as applied in India to-day, dogmatically in the form of a code, a method which Sir James Stephen made familiar in English law and one which Mr. Spencer Bower has been employing more recently with marked success. Except as another example of the possibilities of this mode of exposition the American lawyer has no concern with it. It should be said, however, that the work seems to have been well done and shows that systematic method has made notable progress in Indian legal literature. The tendency to appeal to the classical texts, which had full scope in the academic lectures of Mr. Justice Rahim, can find few opportunities in a dogmatic exposition. Yet here also it is manifest in more than one spot and is a good augury of independent legal thought in a people who are showing a great natural aptitude for the law.

Hindu law appears to afford less opportunity for a humanist movement. The great Arabian jurists were lawyers through and through. The authoritative texts by which they were bound were not many and were so elastic that juristic science had full scope. On the other hand the Hindu lawyer has to deal with inspired or sacred texts that go into great detail. Hence Mr. Ganapathi Iyer's book has much less interest for the student of comparative law and universal legal history. Moreover his English legal training has led him to take Austin's Jurisprudence and Maine's Ancient Law for something like sacred texts in jurisprudence, although he does reject the view of the latter in connection with the question whether Manu sets forth a system of law that was ever actually administered.

The reviewer cannot pretend to be competent to pass upon the merits of these works. But as one compares them with the Anglo-Indian law books of a generation ago he cannot but perceive that the native lawyers in India have been making rapid progress and that a legal juristic development is going on of which students of jurisprudence must take account.

ROSCOE POUND.

THE DIPLOMATIC PROTECTION OF CITIZENS ABROAD. By Edwin M. Borchard. New York: The Banks Law Publishing Company. 1915. pp. xxxvii, 988.

This is an unusually interesting book, partly because of its timeliness and partly because of its clearness. The subject is a broad one; and even the subtitle, "The Law of International Claims," does not indicate the number of topics here brought together.

That the discussion is timely and clear is shown by the following passages: "The weaker countries of Latin America, knowing the advantages under which diplomatic protection has placed aliens, have in their municipal laws, constitutions, and treaties emphasized the legal equality which exists as between national and alien. Relying upon this presumably liberal doctrine of complete equality, the Latin-American states insist upon the application of the general principle that the alien is bound by the local law, and that the propriety of their conduct toward resident foreigners is to be tested by their municipal

laws. The Pan-American conferences of 1889 and 1901 passed formal resolutions, which subsequently found their way into constitutions and statutes, to the effect that foreigners have the same civil rights as the citizens of the nation and that the Latin-American states have not, nor do they recognize in favor of foreigners, any other obligations and responsibilities than those which by their laws they have toward their own citizens. . . . The United States has vigorously opposed the attempt of the Latin-American countries to pass upon the scope of their international duty. . . . The principle that equality of treatment between nationals and aliens releases a state from pecuniary responsibility for injury to aliens is conditional upon the fact that its administration of justice satisfies the standard of civilized justice established by international law. Foreign states, however, undertake to judge for themselves as to the local state's compliance with international standards — a defect in the system which arbitration has done much to remedy. The United States has never taken the position that one who acquires a residence in a foreign country does so at his peril and assumes the risk of ill-treatment or injury identically with citizens. . . . One reason why the alien is not bound to submit to unjust treatment equally with nationals, against which the national has no judicial redress, is because the latter is presumed to have a political remedy, whereas the alien's inability to exercise political rights deprives him of one of the principal safeguards of the rights of the citizen. For this reason diplomatic interposition may be invoked by the alien for the enforcement of his rights" (§ 44).

Topics peculiarly interesting in the light of the present European war, and perhaps on that account inserted in a treatise dealing primarily with citizens abroad, include the whole subject of belligerent and private rights in time of war, requisitions, contributions, and neutral obligations (§§ 98–108), and the nationality of vessels (§§ 207–209), unneutral conduct, contraband, blockade, and the like (§§ 351–368).

This enumeration of some subjects just now of special consequence fails to indicate the book's more permanent value; and as there has been substantially no predecessor in the field covered by the title "The Diplomatic Protection of Citizens Abroad," the student and the practitioner may find it useful to know that among the matters treated — many of them not easily found elsewhere — are these: "temporary allegiance" of aliens (§ 61), dual and no nationality (§ 11), citizens in international and in constitutional law (§ 12), status of foreign corporations (§ 23), right of excluding aliens (§ 26), expulsion (§§ 27–33), subjection to territorial law (§ 41), extraterritoriality (§ 43), aliens in war (§ 46), mob violence (§§ 89–92), civil war injuries (§§ 93–96), the Drago doctrine (§ 119), denial of justice (§§ 127–130), method of presenting a private claim (§ 137), consular administration of decedents' estates (§ 166), the backward countries of near and far East (§ 168), extraterritorial protection (§§ 180–182), consular service (§ 184), naturalized citizens abroad (§ 199), occasional protection of foreigners (§§ 201–203), American seamen (§ 206), passports (§§ 214–220), international effects of naturalization (§§ 231–242), domicil and declaration of intention (§§ 243–252), dual nationality (§§ 253–261), married women and widows (§§ 263–268), children (§§ 269–273), partnerships and corporations (§§ 274–282), heirs and administrators (§§ 284–289), instructions for claimants against foreign governments (§§ 303–304), consular registration of citizens (§§ 311–313), expatriation (§§ 315–333), the Calvo clause (§§ 371–378), failure to exhaust local remedies (§§ 381–383).

The annotation is voluminous, and so are the bibliographies (pp. xxvii–xxxvii, 865–927).

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